

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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MEGAN VILLELLA, Individually and on	:	Civil Action No. 1:15-cv-02106-ER-GWG
Behalf of All Others Similarly Situated,	:	(Consolidated)
	:	
Plaintiff,	:	<u>CLASS ACTION</u>
	:	
vs.	:	DECLARATION OF JOHN H. GEORGE IN
	:	SUPPORT OF LEAD PLAINTIFF'S
CHEMICAL AND MINING COMPANY OF	:	MOTION FOR THE ISSUANCE OF
CHILE INC., et al.,	:	LETTERS ROGATORY TO SUBPOENA
	:	FOREIGN THIRD PARTIES
Defendants.	:	
	:	
	X	

I, JOHN H. GEORGE, declare, under penalty of perjury:

1. I am an attorney with the law firm of Robbins Geller Rudman & Dowd LLP, and am one of the attorneys representing Lead Plaintiff the Council of the Borough of South Tyneside Acting in Its Capacity as the Administering Authority of the Tyne and Wear Pension Fund in this action. I am a member in good standing of the bar of the State of California and am admitted *pro hac vice* to this Court.

2. I am familiar with the facts and circumstances stated herein, and respectfully submit this Declaration in Support of Lead Plaintiff's Motion for the Issuance of Letters Rogatory to Subpoena Foreign Third Parties.

3. Lead Plaintiff is seeking documents and testimony that are material and necessary to the issues in this action from Wayne R. Brownlee ("Brownlee") and Nutrien Ltd.¹ Both are located in Saskatchewan, Canada.

4. Lead Plaintiff has attempted to obtain the requested evidence from Brownlee and Potash voluntarily, including by sending them copies of the proposed requests for their review and consideration. On October 20, 2017, Lead Plaintiff sent the requests to Brownlee and Potash and requested they produce the requested documents without the need for letters rogatory and formal subpoenas. On October 30, 2017, counsel for Brownlee and Potash responded to Lead Plaintiff's October 20, 2017 letters and informed Lead Plaintiff that they would not respond to the requests absent a formal subpoena.

¹ On January 1, 2018, Potash Corporation of Saskatchewan, Inc. ("Potash") merged with Agrium Inc. to form Nutrien Ltd.

5. The letters rogatory to be issued are attached hereto as Exhibit A and ask the Saskatchewan Court of Queen's Bench to cause Brownlee to testify and produce documentary evidence and Nutrien Ltd., as successor to Potash, to produce documentary evidence.

6. The proposed subpoenas to be issued are attached hereto as Exhibit B.

7. The October 30, 2017 letter from Harold K. Gordon of Jones Day to Matthew S. Melamed of Robbins Geller Rudman & Dowd LLP regarding Lead Plaintiff's requests is attached hereto as Exhibit C.

I declare under penalty of perjury that the foregoing is true and correct. Executed this 20th day of April, 2018, at San Francisco, California.

s/ John H. George
JOHN H. GEORGE

CERTIFICATE OF SERVICE

I hereby certify that on April 20, 2018, I authorized the electronic filing of the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the e-mail addresses denoted on the attached Electronic Mail Notice List, and I hereby certify that I caused to be mailed the foregoing document or paper via the United States Postal Service to the non-CM/ECF participants indicated on the attached Manual Notice List.

I certify under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on April 20, 2018.

s/ John H. George

JOHN H. GEORGE

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Mailing Information for a Case 1:15-cv-02106-ER Villella et al v. Chemical & Mining Co. of Chile Inc. et al

Electronic Mail Notice List

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Manual Notice List

The following is the list of attorneys who are **not** on the list to receive e-mail notices for this case (who therefore require manual noticing). You may wish to use your mouse to select and copy this list into your word processing program in order to create notices or labels for these recipients.

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